SERVED: August 20, 1992

NTSB Order No. EA-3656

UNITED STATES OF AMERICA NATIONAL TRANSPORTATION SAFETY BOARD WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD at its office in Washington, D.C. on the 11th day of August, 1992

THOMAS C. RICHARDS, Administrator, Federal Aviation Administration,

Complainant,

v.

WILLIAM TER KEURST, SR.

Respondent.

Docket SE-8793

ORDER DENYING STAY

Respondent, by counsel, has requested a stay of NTSB Order EA-3460 (served December 31, 1991), reconsideration denied, NTSB Order No. EA-3572 (served June 3, 1992), pending disposition of a petition for review of that order to be filed in the U.S. Court of Appeals. We will deny the motion for a stay, to which the Administrator has filed a response in opposition.

The decision on whether to grant a stay pending judicial review in a case like this one, where the sanction imposed was a 6-month suspension, is essentially governed by the seriousness of the underlying charges. See Administrator v. Auburn Flying Service, 5 NTSB 587 (1985), citing Administrator v. Booher, NTSB

The Board in Order EA-3460 affirmed a 180-day suspension of respondent's commercial pilot certificate, for his alleged violations of sections 91.90(a)(1)(i), 91.18(a), and 91.9 of the Federal Aviation Regulations.

Order No. EA-1635 (1981). In this case, respondent was found to have made eight banner towing flights too close to and at impermissibly low altitudes over spectators at a football game in the Orange Bowl Stadium, which operation was contrary to the terms of a certificate of waiver, and to have operated within a terminal control area without authorization. We agree with the Administrator that respondent's violations demonstrate a disregard for public safety that counsels against the issuance of a stay of the Board's order.²

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's motion for a stay of Board Order No. EA-3460 is denied.

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HART and HAMMERSCHMIDT, Members of the Board, concurred in the above order.

²Although respondent asserts that the "Board has routinely granted stays in similar cases in the past," he provides no citation for any such cases, and the Board is aware of none.